

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

: 07 CR. 990 (VM)

- against - :

DERRICK SMIT, :

Defendant. :

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ORDER

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4-10-08

VICTOR MARRERO, United States District Judge.

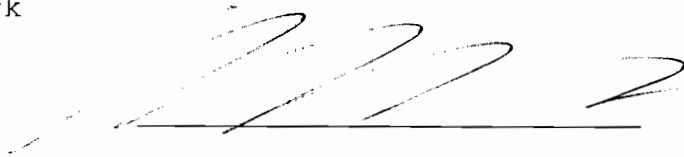
The defendant (see attached letter) requests that the conference scheduled for April 11, 2008 be adjourned. The next conference is scheduled for Thursday April 17, 2008 at 9:30 a.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until April 17, 2008.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

SO ORDERED:

Dated: New York, New York
10 April 2008



Victor Marrero
U.S.D.J.

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April 9, 2008

By Facsimile to 212-805-6385

Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v Derrick Smit
07 cr 990

Dear Judge Marrero:

I am writing to request a brief adjournment of the plea in the above case, which is currently scheduled for this Friday, April 11, 2008. I seek this adjournment as I need to visit Mr. Smit one additional time prior to the appearance and I do not expect that I will have the opportunity to do that prior to Friday. I have spoken with AUSA Marshall Camp, who has advised me that the government consents to this request. Additionally, pursuant to the Speedy Trial Act, we consent to an exclusion of time from April 11, 2008 until the adjourned date. We request that the matter be adjourned until either April 15th or 17th and that the Court advise us whether this Court will accept the plea or whether we should proceed in front of the Magistrate Judge on duty.

I thank the Court for its consideration of this request.

Respectfully,


Lawrence Gerzog

cc: AUSA Marshall Camp